

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard L. Chinn on June 7, 2010.

The application has been amended as follows:

21. (new) The polymer powder according to claim 11, wherein the polymer comprises from 50 to 99.9% by weight of esters of acrylic and/or methacrylic acid with alkanols of 1 to 12 carbon atoms and/or styrene, or from 50 to 99.9% by weight of styrene and/or butadiene, or from 50 to 99.9% by weight of vinyl chloride and/or vinylidene chloride, or from 40 to 99.9% by weight of vinyl acetate, vinyl propionate and/or ethylene incorporated in the form of polymerized units.

In Claim 1, line 2, replace "spray drying of an aqueous polymer" with the following: -- spray drying an aqueous polymer--

In Claim 13, line 2, replace "according to claim 11" with the following: --according to claim 21--

The following is an examiner's statement of reasons for allowance: A search of the prior art did not reveal a teaching or suggestion of using the spray assistant A of instant claim 1 in a process of spray drying an aqueous polymer dispersion. The closes prior art, Pabst et al. (US Pat. No. 6,881,356), teaches a compound prepared in the same way as spray assistant A of instant claim 1 (see abstract of Pabst et al.), however, the compound of Pabst et al. is taught as a tanning material. In addition, there is no teaching or suggestion in the prior art of record that would motivate one to use the compound as a spray assistant in a spray drying process of an aqueous polymer dispersion. Instant claims 11, 13, and 15-17, and 21 are product claims that require the presence of "spray assistant A" of instant claim 1, and there is no teaching or suggestion in Pabst et al. of a spray dried polymer powder further comprising "spray assistant A" or an aqueous polymer dispersion of the particular polymers of instant claim 13 further comprising "spray assistant A". While Pabst et al. teaches the compound ("spray assistant A" of instant claim 1") can be used in an aqueous solution comprising polymeric tanning materials (5:5-10), Pabst et al. does not teach that the aqueous solution is specifically a dispersion, nor does Pabst et al. teach or suggest the specific limitations of the polymer recited in claims 21 and 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER F. GODENSCHWAGER whose telephone number is (571)270-3302. The examiner can normally be reached on Monday-Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1796

/P. F. G./
Examiner, Art Unit 1796